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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,395	04/19/2004	Michael B. Korzenski	020732-214.539 CIP (7496)	3117
24239	7590	05/25/2007	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			WEBB, GREGORY E	
		ART UNIT	PAPER NUMBER	
		1751		
		MAIL DATE		DELIVERY MODE
		05/25/2007		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/827,395	KORZENSKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gregory E. Webb	1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 March 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 12-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) 6, 12-19 and 21-31 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 6, 28, 29, and 31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:  
Concerning claims 6, 28 and 29, none of the previously presented claims required the inclusion of the photoresist residue. The residue material is clearly distinct from the previously claimed process materials as the residue material is a part of the substrate and not the original processing solution. Thus the applicant's claims are directed to the used process solution. Whereas the originally presented claims were directed to unused process solutions.
2. Claim 31 is distinct from the previously presented claims as it is directed to a semiconductor device and not the original processing solution.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 28, 29, and 31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Arguments***

3. Applicant's arguments filed have been fully considered but they are not persuasive.
4. New art is applied to the newly amended claims 1-8. As such these arguments are moot.

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-3, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas et al (US 6,893,995).
7. Thomas teaches catalysts systems containing supercritical fluids (see abstract).
8. Thomas teaches including catalysts in the supercritical fluids including the use of specific borane based compounds (see col. 3, lines 45-60).
9. In claim 6 Thomas teaches the mixture of supercritical fluids where the second supercritical fluid would meet the broad limitation "at least one cosolvent."
10. Claims 1, 4, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (US 4,036,731).
11. Martin teaches coal extraction using supercritical conditions (see abstract).
12. Martin teaches the extraction is performed with hydrogen gas, solvent and a catalyst. Martin teaches hydrogen donors including alcohols such as cyclohexylphenol (see col. 2, lines 3-6).
13. Claims 1-4, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al (US 5,565,616).

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14. Li teaches the use of supercritical water oxidations process for the destruction of hazardous wastes.

15. Li teaches various components which would exist in combination with the supercritical water including alkanes, amines, oxygen, ammonia, carbon dioxide, hydrogen gas, and methanol (see cols. 1-2).

16. Claims 1-5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Teich et al (US 6,438,867).

17. Teich teaches drying compositions for drying microporous particles using supercritical fluids.

18. Teich teaches various suitable drying solvents and mixtures of these solvents (see cols. 4-5). Included in this list are alkanols including isopropanol, carbon dioxide, ammonia and formaldehyde.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglass McGinty can be reached on (571)272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory E. Webb



3/20/07

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Primary Examiner  
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